

**Introduced by Senator Gaines**  
(Principal coauthor: Assembly Member Dahle)

January 6, 2014

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An act to amend Section 4212 of the Public Resources Code, relating to forestry and fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 832, as introduced, Gaines. Forestry and fire prevention: fire prevention fees: natural disasters.

Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas. Existing law further required the board, on or before September 1, 2011, to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area, and to adjust the fee annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fees, as prescribed.

This bill would exempt the owner of a property that is within a state responsibility area from payment of the fire prevention fee imposed pursuant to those provisions with respect to a structure, as defined, on the property has been destroyed, or significantly damaged, as a result of a natural disaster.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4212 of the Public Resources Code is  
2 amended to read:

3     4212. (a) (1) By September 1, 2011, the board shall adopt  
4 emergency regulations to establish a fire prevention fee for the  
5 purposes of this chapter in an amount not to exceed one hundred  
6 fifty dollars (\$150) to be charged on each structure on a parcel that  
7 is within a state responsibility area.

8     (2) The Legislature finds and declares that a fire prevention fee  
9 of not more than one hundred fifty dollars (\$150) is a reasonable  
10 amount for the necessary fire prevention activities of the state that  
11 benefit the owner of a structure within a state responsibility area.

12     (b) On July 1, 2013, and annually thereafter, the board shall  
13 adjust the fire prevention fees imposed pursuant to this chapter to  
14 reflect the percentage of change in the average annual value of the  
15 Implicit Price Deflator for State and Local Government Purchases  
16 of Goods and Services for the United States, as calculated by the  
17 United States Department of Commerce for the 12-month period  
18 in the third quarter of the prior calendar year, as reported by the  
19 Department of Finance.

20     (c) Emergency regulations adopted pursuant to subdivision (a)  
21 shall be adopted in accordance with the rulemaking provisions of  
22 the Administrative Procedure Act (Chapter 3.5 (commencing with  
23 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
24 Code). The adoption of emergency regulations shall be deemed  
25 an emergency and necessary for the immediate preservation of the  
26 public peace, health, and safety, or general welfare.

27     (d) *Notwithstanding any other law or regulation, the owner of*  
28 *a property that is within a state responsibility area shall be exempt*  
29 *from the payment of the fire prevention fee imposed pursuant to*  
30 *this section with respect to a structure on the property has been*  
31 *destroyed, or significantly damaged, as a result of a natural*  
32 *disaster.*